IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6199 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE
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1.   Whether Reporters of Local Papers may be allowed
        to see the judgements?

2.   To be referred to the Reporter or not?

3.   Whether Their Lordships wish to see the fair copy
        of the judgement?

4.   Whether this case involves a substantial question
        of law as to the interpretation of the Constitution
        of India, 1950 of any Order made thereunder?

5.   Whether it is to be circulated to the Civil Judge?

        S.J.GOSWAMI & ANR.
Versus
        STATE OF GUJARAT & OTHERS

        Appearance:
             None present for the Petitioners
             None present for Respondent No. 1
             MR SI NANAVATI for Respondent No. 2, 3

        CORAM : MR.JUSTICE S.K.KESHOTE
        Date of decision: 10/10/96

C.A.V. JUDGEMENT
        1. Perused the Special Civil Application and heard
        learned counsel for the respondents. The counsel for the
        respondents no.2 and 3 contended that the Vijaya Mills
        Co. Ltd. has gone into liquidation, and as such, this
        petition is not maintainable in view of the provisions of
        sec. 446 of the Companies Act, 1956. In support of his
        contention, the counsel for the respondent places

reliance on the decision of the Supreme Court in the case of Sudarshan Chits (I) Ltd. vs. O. Sukumaran Pillai reported in AIR 1984 SC 1579.

2. It is not necessary to go on this question in this Special Civil Application. This Special Civil Application is otherwise also not maintainable as the Vijaya Mills Co. Ltd., which is a company registered under the provisions of the Companies Act, 1956 is not a State or agency or instrumentality of the State within the meaning of Article 12 of the Constitution of India. It is a case of termination of the services of the petitioner made by the Company which is not amenable to the writ jurisdiction of this Court under Article 226 of the Constitution of India. The relief prayed for in this Special Civil Application by the petitioner is only against the respondents no.2 and 3. This Special Civil Application is dismissed only on this ground. Rule discharged.

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zgs/-